

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLOTTE PINCKNEY, et al.,
Plaintiffs

v.

THE PEP BOYS –
MANNY MOE & JACK,
Defendant.

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CIVIL ACTION
NO. 16-5350

ORDER

AND NOW, this 30th day of October, 2018, upon consideration of: Defendant's Motion for Summary Judgment (ECF No. 33); Defendant's Amended Statement of Undisputed Facts (ECF No. 35); Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (ECF No. 39); and Plaintiff's Response to Defendant's Amended Statement of Undisputed Facts (ECF No. 39), it is hereby ORDERED that said Motion is GRANTED IN PART and DENIED IN PART as follows:

- (1) Defendant's Motion for Summary Judgment as to Count I of Plaintiffs' Complaint is DENIED;
- (2) Defendant's Motion for Summary Judgment as to Count II of Plaintiffs' Complaint is GRANTED;
- (3) Defendant Motion for Summary Judgment as to Plaintiff's Request for Punitive Damages is GRANTED;
- (4) Count III of Plaintiffs' Complaint is DISMISSED with prejudice; and,
- (5) Defendant's Motion for Summary Judgment as to Count III of Plaintiffs' Complaint is DENIED AS MOOT.

BY THE COURT:

/s/ C. Darnell Jones, II
C. Darnell Jones, II